PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Masanobu NINOMIYA et al. Group Art Unit: 2852

Application No.: 09/722,828 Examiner: J. Dote

Filed: November 28, 2000 Docket No.: 107971

For: TONER FOR DEVELOPING ELECTROSTATIC LATENT IMAGE, TWO-COMPONENT DEVELOPER, AND IMAGE-FORMING PROCESS

DECLARATION UNDER 37 C.F.R. §1.132

Director of the U.S. Patent and Trademark Office
Washington, D.C. 20231

Sir:

I, Masanobu Ninomiya, a citizen of Japan, hereby declare and state:

1. I have a master's degree in science which was conferred upon me by Hiroshima University in Hiroshima-shi, Hiroshima, Japan in 1991.

2. I have been employed by Fuji Xerox Co., Ltd. since 1991 and I have had a total of 10 years of work and research experience in organic chemical materials.

4. I am familiar with the above-identified application.

5. I and/or those under my direct supervision and control have conducted the following experiments:

Experiments were conducted todetermine the molecular weight and weight ratios of the developer described in Example 30 (incorporating binder resin 27) of U.S. Patent No. 5,250,382 to Shimojo et al. ("Shimojo"). Based on the provided Mn, Mw and blend ratio of the domain and matrix of Example 30, the following results, as shown in the Table below, were obtained.

	Mn	Mw	Blend Ratio	Molecular weight of at least 1×10^6 (wt.%)	Ratio of differential molecular weight distribution of 5×10^3 (%)	Ratio of differential molecular weight distribution of 1×10^5 (%)
Domain	4600	12000	~~30~~	0.0	0.569	0.098
Matrix	7000	21000	70			

2/11/2003 MN.

Thus, as shown in the above table, the developer according to Example 30 of Shimojo does not meet the values specified for the claimed percentages of the differential molecular weight distribution of 5×10^3 or 1×10^5.

6. The November 6, 2002, Office Action asserts that binder resin 28 of Shimojo also shows domain and matrix resins that are within the molecular weight limitations presently claimed. It is noted that binder resins 39 and 40 of Shimojo also have domain and matrix resins having molecular weights comparable to that of Shimojo binder resin 28. Although binder resins 28, 39 and 40 of Shimojo may satisfy the requirements of claim 8 with respect to the molecular weight values, these binder resins would not meet the claimed values for the ratio of differential molecular weight distribution of 5×10^3 (%). In fact, based on the results obtained above, the ratio of differential molecular weight distribution of 5×10^3 (%) for these binder resins would be greater than 0.569 because the toners of the binder resins 28, 39 and 40 of Shimojo have molecular weights that are even greater than that of Example 30. Thus, the ratio of differential molecular weight distribution of 5×10^3 (%) would be even greater than that obtained with Example 30 of Shimojo.

7. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and

the like so made are punishable by fine and/or imprisonment under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Date: 2 / 11 / 2003

Masanobu Ninomiya

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